

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISIONACER, INC., ACER AMERICA
CORPORATION and GATEWAY, INC.,

Case No. 5:08-cv-00877 PSG

Plaintiffs,

v.

TECHNOLOGY PROPERTIES LTD.,
PATRIOT SCIENTIFIC CORPORATION,
ALLIACENSE LTD.,

Defendants.

HTC CORPORATION, HTC AMERICA, INC.,

Case No. 5:08-cv-00882 PSG

Plaintiffs,

v.

TECHNOLOGY PROPERTIES LTD.,
PATRIOT SCIENTIFIC CORPORATION,
ALLIACENSE LTD.,

Defendants.

BARCO N.V.,

Case No. 5:08-cv-05398 PSG

Plaintiff,

v.

TECHNOLOGY PROPERTIES LTD.,

1 PATRIOT SCIENTIFIC CORPORATION,
2 ALLIACENSE LTD.,
3 Defendants.

4 **ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE TO FILE MOTION FOR**
5 **RECONSIDERATION OF CERTAIN ASPECTS OF CLAIM CONSTRUCTION**

6 On September 28, 2012, Acer, Inc., Acer America Corp., Gateway, Inc., HTC Corp, HTC
7 America, Inc., and Barco N.V. (collectively "Plaintiffs") moved under Civil L.R. 7-9(b)(1) for
8 leave to file a motion for reconsideration of certain aspects of Judge Ware's First Claim
9 Construction Order. Civil L.R. 7-9(b)(1) requires a moving party to show: (1) "a material
10 difference in fact or law exists from that which was presented to the [c]ourt before entry of the
11 interlocutory order for which reconsideration is sought;" (2) "[t]he emergence of new material facts
12 or a change of law occurring after the time of such order;" or (3) "[a] manifest failure by the [c]ourt
13 to consider material facts or dispositive legal arguments which were presented to the [c]ourt before
14 such interlocutory order." Plaintiffs state that in two of the original constructions Judge Ware
15 manifestly failed to consider the facts and legal arguments.
16

17 The Plaintiffs' motion for leave to move for reconsideration is GRANTED. Plaintiffs
18 indicated they would brief the motion for reconsideration at the claim construction hearing
19 scheduled in November. In light of the court's order granting the parties' joint motion to continue
20 their claim construction hearing until November 30, 2012,¹ the court sets the briefing schedule for
21 the motion for reconsideration for a hearing on the same date. Accordingly,
22

23 IT IS HEREBY ORDERED that Plaintiffs shall file their motion for reconsideration on or
24 before October 19, 2012.

25 IT IS FURTHER ORDERED that Defendants Technology Properties Limited, Patriot
26 Scientific Corp., and Alliacense Limited shall file oppositions to the motion on or before
27 November 2, 2012.
28

¹ See Docket No. 380.

1 IT IS FURTHER ORDERED that Plaintiffs shall file any reply to the opposition on or
2 before November 9, 2012.

3 IT IS FURTHER ORDERED that arguments regarding the motion for reconsideration shall
4 be heard on November 30, 2012, at 10:00 a.m.

5 **IT IS SO ORDERED.**

6
7 Dated: October 2, 2012

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10 PAUL S. GREWAL
United States Magistrate Judge